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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UMY1712 - MALAYSIAN LEGAL SYSTEM

(All Sections/ Groups)

17th OCTOBER 2019

Reading Time: 9.00 am - 9.15am

(15 Minutes)

Answering Time: 9.15 am – 12.15 pm

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of **FIVE** questions. Answer only **ONE** question in **Part A**, and **ALL** questions in **Part B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Courts of Judicature Act 1964
 - ii. Federal Constitution of Malaysia
 - iii. Criminal Procedure Code

“Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining is also prohibited.
5. Please write all your answers in the Answer Booklet provided.

PART A: Answer One (1) Question only (25 Marks)

QUESTION 1

Section 3,5 and 6 of the Civil Law Act 1956 empowers judges with wide discretion to import the English common law, equity and statutes into Malaysian legal system to fill lacunaes in Malaysian law, if any. However this discretion is not absolute and is subjected to restrictions.

With reference to decided cases and relevant authorities, discuss the applicability of English law in Malaysia.

(Total: 25 marks)

OR

QUESTION 2

Article 3(1) of the Federal Constitution declares Islam as the religion of the Federation. Based on the provision, examine the features and applicability of Islamic law in Malaysian Legal System.

(Total: 25 marks)

PART B: Answer ALL Questions (25 Marks)

QUESTION 3

- (a) What are the superior courts? Discuss the jurisdiction and powers of the superior courts in Malaysia.

(12 Marks)

- (b) Explain what is meant by original, appellate, supervisory and revisionary of the syariah superior courts in Malaysia.

(13 Marks)

(Total: 25 Marks)

Continued...

QUESTION 4

The Honourable Tuan Tommy Thomas is the current Attorney General of Malaysia. It has been said that he holds of one of the most powerful position in Malaysia. Discuss whether you agree or not with the statement. Your answer should be supported with provisions from the Federal Constitution and relevant case law.

(Total: 25 Marks)

QUESTION 5

On one sunny day, while walking on the street, Yani was attacked and robbed by 2 men. Kim, a member of the public who was walking about one hundred metres from the scene, heard gun-fire and shouting of "*Tolong saya kena rompak*" and saw two men running past him. Azmi was jogging back from the park while listening to his music when Kim suddenly gave chase, caught up with him and after a brief struggle successfully apprehended him. Azmi was brought to police station nearby by Kim.

One hour later, John who was driving with his wife, Amy, was stopped by a policeman during a road - block nearby the crime scene. He was asked to park the car, before being investigated and bodily searched, and then brought to the police station nearby where both of them were detained for 48 hours.

Advise Kim on the validity of his action and Azmi, John and Amy on the legality of their arrest and their rights as arrested persons. Support your answer with relevant provisions and case laws.

(Total: 25 Marks)

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